EXHIBIT	NO.	
<b>EXHIBIT</b>	NO.	

6-12-04

Docket Item #17 ENCROACHMENT #2004-0005

Planning Commission Meeting June 1, 2004

**ISSUE:** 

Consideration of a request for encroachment into the public right-of-way for

a hotel canopy.

**APPLICANT:** 

Regent Partners, LLC

by Jonathan P. Rak, Attorney

**LOCATION:** 

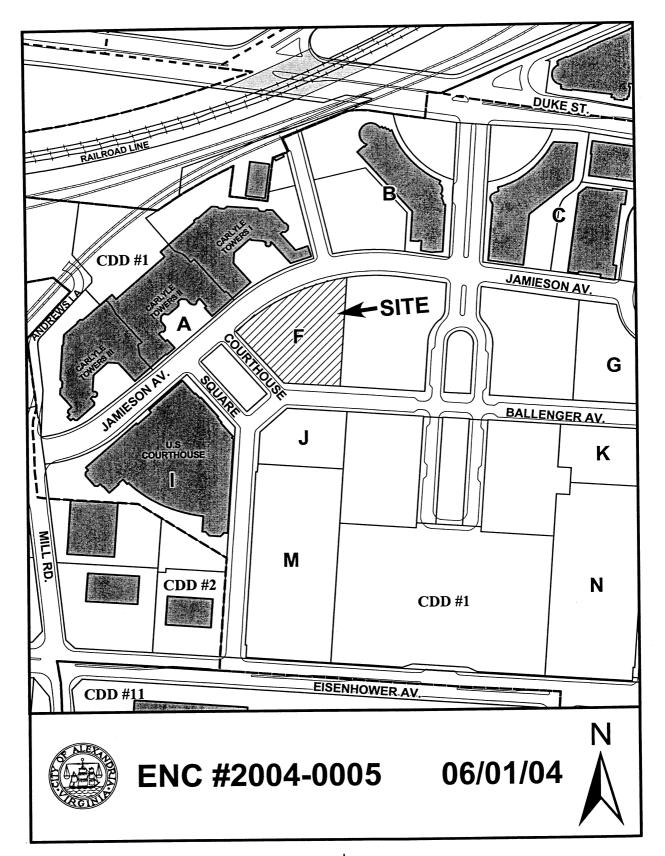
400 Courthouse Square

ZONE:

CDD-1/Coordinated Development District

<u>PLANNING COMMISSION ACTION, JUNE 1, 2004</u>: By unanimous consent, the Planning Commission <u>recommended approval</u> of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

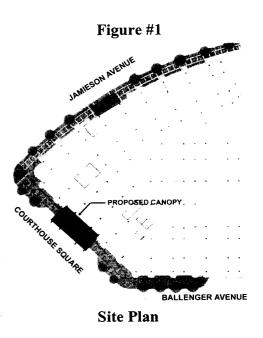
Reason: The Planning Commission agreed with the staff analysis.



#### I. PROPOSAL:

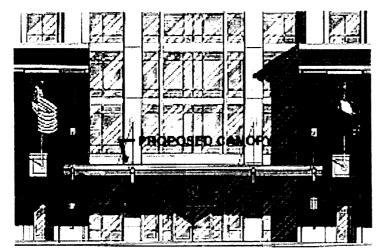
The applicant requests approval of the encroachment of an entrance canopy into the public right-of-way for the proposed building in Block F of Carlyle. The site was approved in 2003 to construct a 15-story mixed-use building which will include a hotel, condominiums, and ground floor retail. The adjacent lot is presently being developed with PTO Building D, and the U.S. Federal Courthouse sits across Courthouse Square to the southwest. The requested encroachment will be located on the southwest portion of the building, on Courthouse Square.

The entrance canopy is proposed to extend 27 feet from the face of the building. The canopy will extend across the full width of the sidewalk, as well as 8 feet of the lay-by. This represents a total encroachment of 11 feet into the public right-of-way.



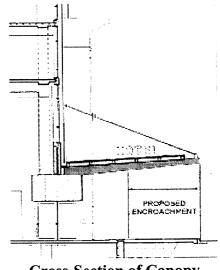
The purpose of the proposed canopy is to provide shelter from the weather for hotel guests that are dropped off at the lay-by. On December 9, 2003, the Carlyle Design Review Board approved the design of the mixed-use building, which included the canopy as presently proposed.

Figure #2



**Courthouse Square Elevation, Showing Canopy** 

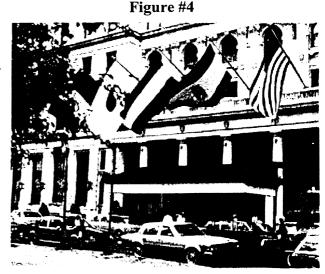
Figure #3



**Cross-Section of Canopy** 

#### II. STAFF ANALYSIS:

Staff supports the proposed encroachment to provide an entrance canopy for the proposed hotel. Canopies of this size and type are typical of luxury hotels, to provide guests with protection from the elements within the vehicle lay-by, and will be an important amenity for future guests. The canopy will be of an appropriate scale to clearly identify the entrance of this urban hotel. The canopy will not interfere with pedestrian or vehicular movement. While the size of the canopy and the amount of the encroachment may not be appropriate in all instances, this proposal is appropriate as the canopy is needed principally because it is the minimum necessary to adequately serve the needs of the hotel.



**Entrance Canopy of Plaza Hotel, NYC** 

As depicted in Figure #4, entrance canopies as proposed are typical of urban hotels and can add architectural interest to the building at the pedestrian level. The design and materials of the proposed canopy comply with Carlyle Design Guidelines, and the canopy has been approved by the Carlyle Design Review Board (DRB). For all of these reasons, staff recommends approval of the canopy as proposed by the applicant.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;

Jeff Farner, Development Division Chief

David Sundland, Urban Planner III

#### III. STAFF RECOMMENDATION:

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

- 1. The applicant (and his or her successors, if any) shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (P&Z) (T&ES)
- 2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
- 3. Neither the City nor any private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)

<u>Staff Note:</u> For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

#### **CITY DEPARTMENT COMMENTS**

C - code requirement R - recommendation S - suggestion F - finding

### Transportation & Environmental Services:

No comments.

- The applicant (and his/her successors, if any) must obtain and maintain a policy of R-1 general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment.
- Neither the City nor any Private utility company will be held responsible for damage R-2 to the private improvements in the public right-of-way during repair, maintenance or d

	replacement of any encroachment.			
Code Enforce	ment:			
No comments	•			
Health Depart	ment:			
No comments				
Police Depart	ment:			
No comments				
Historic Alex	andria			

## APPLICATION for ENCROACHMENT

ENC # 2004-0005

REVISED

[must use black ink or	• •	400 0 11 -	Constant	
PROPERTY LOCA		renue & 400 Courthou - Lot 708		
TAX MAP REFERE	ENCE:		ZONE: CDD #1	
APPLICANT'S NAM	ME: Regent Partners, LI	C Suite 1000		
ADDRESS:	3348 Peachtree Road, Atlanta, GA 30326-10	008		
PROPERTY OWNE	R NAME: Carlyle Develo	opment Corporation		
ADDRESS:	c/o J. M. Zell Partners 1900 K Street, NW, Suit	te 850		
ENCROACHMENT	Washington, DC 20006 DESCRIPTION: Hotel ca	anopy over main ent	rance on Courthouse	
Square extends	11'-0" beyond property	line.		
INSURANCE CARE	RIER (copy attached)		POLICY #	
city as an additional in	liability insurance in the amount o sured must be attached to this ap	pplication.		
3-2-82 and 85 of the Code THE UNDERSIGNED, he placard notice on the prop Ordinance of the City of A	-	perty owner, hereby grants per nested, pursuant to Article XI,	mission to the City of Alexandria to Section 11-301 (B) of the 1992 Z	o post coning
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11/10/99 p:\zoning\pc-appl\forms\app-enc

## APPLICATION for ENCROACHMENT

ENC # 2004-0005\_ REVISED

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PROPERTY LOCA		son Avenue & 400 ock F - Lot 708				
TAX MAP REFERE	NCE: 73.01, Lot	708		ZONE: _	CDD #1	
APPLICANT'S NAM	Æ: Regent Partne	rs, LLC	1000			
ADDRESS:	3348 Peachtree Atlanta, GA 30	Road, N.E., Suit 326-1008	e 1000			
PROPERTY OWNE	R NAME: Carlyle	Development Corp	oration ————			
ADDRESS:	1900 K Street, NV	, Suite 850				
ENCROACHMENT	Washington, EC 20 DESCRIPTION: HC	otel canopy over	main entı	cance on	Courthouse	
Square extends	11'-0" beyond prop	perty line.				
INSURANCE CARI	RIER (copy attached)		P	OLICY#		
	reby applies for an Encroachr of the City of Alexandria, Vir		nce with the p	rovisions of S	Section 8-1-16 and	i Sections
3-2-82 and 85 of the Code  THE UNDERSIGNED, h placard notice on the pro Ordinance of the City of A  THE UNDERSIGNED als of the applicant are true, of  Jonathan P.  Print Name of Ap McGuireWoods	of the City of Alexandria, Viral aving obtained permission from this application of the information of attests that all of the information of the	m the property owner, here on is requested, pursuant to the ion herein provided and specific of their knowledge and be	by grants person Article XI, cifically include	mission to the Section 11-3	e City of Alexand 01 (B) of the 199	ria to post 92 Zoning
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# APPLICATION for SUBDIVISION

SUB # 2004-0004 2004-0006

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ROPERTY LOCATION: 2365 Mill Road
AX MAP REFERENCE: 072.04-02-15 ZONE: CDD-1
PPLICANT'S NAME: Carlyle Development Corp.
ADDRESS: 1900 K Street, N. W., Suite 850 Washington, DC 20006
ROPERTY OWNER NAME: Washington Metropolitan Transit Authority  600 - 5th Street, N. W.
ADDRESS: Washington, D. C. 20006
UBDIVISION DESCRIPTION: Request for approval of previously
pproved SUB # 99-0012. This subdivision was previously
pproved but was not recorded and has expired.
HE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 of the Zoning redinance of the City of Alexandria, Virginia.  HE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 292 Zoning Ordinance of the City of Alexandria, Virginia.  HE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, i.e., required of the applicant are true, correct and accurate to the best of their knowledge and belief.
Jonathan P. Rak  Fint Name of Applicant or Agent  Signature  Signature  750 Tysons Blvd., Ste. 1800  Failing/Street Address  McLean, VA 22102
March 16, 2004
ity and State Zip Code Date
DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY
pplication Received: Date & Fee Paid: \$
CTION - PLANNING COMMISSION: 06/01/04 RECOMMENDED APPROVAL UC
7/27/99 p:\zoning\pc-app\\forms\app-sub